



Town of North Hempstead
Department of Building Safety, Inspection & Enforcement
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§ 70-202.2. Erosion control and stormwater management

[Added 10-6-1998 by L.L. No. 16-1998]

A. General requirements. All construction in which there will be an increase in impervious surface area in excess of 250 square feet requires on-site retention of 2 1/2 inches of rainfall.

[Amended 4-12-2005 by L.L. No. 2-2005; 5-13-2014 by L.L. No. 7-2014]

- (1) Drainage and erosion control plans must be prepared by a professional engineer, registered architect or registered landscape architect and shall be submitted to the Building Department at the time of application for a building permit.
- (2) Plans shall include separate methods of erosion control and stormwater retention for the period during construction, and shall ensure that erosion control and stormwater retention are provided for within the boundaries of any site that is under construction. Such methods shall be implemented and maintained throughout the course of construction to its completion, and shall also provide for the maintenance of erosion control and stormwater retention after construction.
- (3) Erosion control and stormwater management plans shall indicate all existing vegetation, vegetation proposed to be removed and proposed plantings. No vegetation that contributes to the control of erosion and water on the site may be removed without compensatory site work.

B. Period during construction.

- (1) Plans shall be provided for erosion control and stormwater retention for the period during construction. Methods for control may include, but are not limited to, hay bales, swales, berms, contour modification, landscaping, silt fences, rain barrels and drywells. **[Amended 5-13-2014 by L.L. No. 7-2014]**
- (2) The Building Inspector may require a field inspection prior to commencement of construction to review the erosion control/stormwater management plan.
- (3) New drywells; temporary grates.
 - (a) Where new drywells or other stormwater retention facilities are part of the site work, they shall be installed prior to clearing other areas of the site for new construction.
 - (b) Temporary grates or weighted silt fences with adequate sieve size to permit water percolation and retention of sediment shall be installed on all drywells during construction. Sediment shall be removed from the silt fence as necessary and disposed of in the proper manner. Upon completion of construction, the drywells shall be cleaned out and approved by the Building Inspector, at which time the permanent grates shall be installed.
- (4) If conditions warrant, the Building Commissioner shall have the authority to request additional information or modifications to the plans at any time during construction to further evaluate erosion control/stormwater management.

C. Permanent erosion control and stormwater management.

- (1) New site development must provide for permanent erosion control and stormwater containment on site. Plans shall be submitted in accordance with Subsection A of this section.
- (2) Methods for control may include, but are not limited to, swales, berms, contour modification, landscaping, rain barrels and drywells. [Amended 5-13-2014 by L.L. No. 7-2014]
- (3) Where existing site conditions do not control erosion and contain stormwater, the Building Commissioner may require corrective site work.
- (4) No more than one rain barrel of up to 60 gallons may be connected to each roof leader for the purpose of satisfying the requirements of Subsection A of this section. [Amended 5-13-2014 by L.L. No. 7-2014]

D. Waiver provisions. A waiver of these requirements may be granted by the Building Commissioner.

- (1) A request for waiver must be accompanied by a letter from a professional engineer, registered architect or registered landscape architect certifying that the grading and soil conditions existing and/or proposed on the site will be adequate to control all runoff.
- (2) A waiver may be granted if satisfactory evidence is submitted to prove that compliance would endanger mature trees and other mature vegetative growth. This request must include a statement by a professional engineer, registered architect, or registered landscape architect that mitigation is not necessary or that other appropriate measures are being taken to retain water and erosion on site.
- (3) No waiver may be granted for any site where existing or proposed grades exceed 15% or for new impervious areas in excess of 500 square feet.

A Request for a waiver from the drainage requirements in accordance with 70-202.2D must be in writing by a licensed NYS design professional, on their letterhead, and must:

- **Be addressed to Building Commissioner.**
- **Certify that the property does not slope more than 15%.**
- **State the amount of increased impervious area, certifying that it does not exceed 500 square feet.**
- **Certify that the grading and soil conditions are adequate to control storm water runoff.**
- **Certify that storm water shall be controlled on the site and not runoff onto neighboring properties or the street.**